

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

BRUCE F. MURRY,

Petitioner,

-against-

9:06-CV-0322 (LEK/GJD)

GARY GREENE, Superintendent of  
Great Meadow Correctional Facility,

Respondent.

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**DECISION AND ORDER**

This matter comes before the Court following a Report-Recommendation filed on May 19, 2009 by the Honorable Gustave J. DiBianco, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3 of the Northern District of New York. Report-Rec. (Dkt. No. 23). After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including the objections by Petitioner Bruce F. Murry, which were filed on May 29, 2009 and June 17, 2009, respectively.<sup>1</sup> Objections (Dkt. Nos. 24, 25).

It is the duty of this Court to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A [district] judge... may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* This Court has considered the objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation

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<sup>1</sup> Petitioner filed a timely Objection to the Report-Recommendation on May 29, 2009 (Dkt. No. 24) and filed an untimely amended Objection on June 17, 2009 (Dkt. No. 25). Given Petitioner’s *pro se* status, the Court will accept for consideration the untimely amended Objection.

should be approved for the reasons stated therein.

Accordingly, it is hereby

**ORDERED**, that the Report-Recommendation (Dkt. No. 23) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

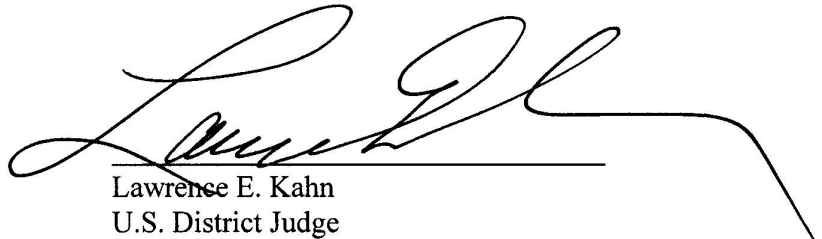
**ORDERED**, that the Petition for writ of habeas corpus (Dkt. No. 1) is **DENIED** and **DISMISSED**; and it is further

**ORDERED**, that no certificate of appealability issue; and it is further

**ORDERED**, that the Clerk serve a copy of this Order on all parties.

**IT IS SO ORDERED.**

DATED: September 29, 2009  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge